

## The Fourth Attempt to Construct a Politics of Welfare Obligations

### Abstract

Since the 1980s there have been three main attempts to ground citizenship upon the principles of duty, obligation and responsibility: conservative, communitarian and Third Way. Each of these are reviewed below. The principal task of this article, though, is to examine the emergence of a fourth attempt which, by relating duty to equality through the principle of reciprocity, represents a synthesis of traditional social democracy with the new politics of obligation. Our focus will be upon *The Civic Minimum* by Stuart White since this is arguably the most cogent expression of duty-based egalitarianism to have emerged in recent years.

**Key words:** citizenship, equality, reciprocity, Basic Income

## **The Fourth Attempt to Construct a Politics of Welfare Obligations**

Since the 1980s there have been three attempts to ground citizenship upon the principles of duty, obligation and responsibility that have been influential at the level of government: conservative, communitarian and Third Way (cf. Deacon, 2002).<sup>1</sup> In various ways each of these has challenged the traditional social democratic preference for a solidarity grounded upon universal and egalitarian social rights and so has transformed the vocabularies and objectives of UK social policy. I review each of these below and suggest where and why they fail to offer a fully rounded and convincing theory of citizenship. The principal task of this article, though, is to examine the emergence of a fourth attempt which is less vulnerable to such criticism and that, by relating duty to equality through the principle of reciprocity, represents a synthesis of traditional social democracy with the new politics of obligation. My focus will be upon *The Civic Minimum* by Stuart White since this is arguably the most cogent expression of duty-based egalitarianism to have emerged in recent years. Does his approach offer the best way forward for the Centre-Left? Constraints mean that I only have space to criticise rather than construct alternatives, though some pointers are dropped along the way.

### **The Absences of Power**

Modern conservatism may be characterised as the attempt to balance the need for social and cultural order and stability with respect for individual freedoms. Its orientation to a given state of affairs has meant that in the wake of events in the 1930s

---

<sup>1</sup> Note I am concerned in the first section with influences upon government policy.

and 1940s conservatism (in Britain at least) assisted in the consolidation of welfare state capitalism. It was precisely this attempt to subject capitalist markets to social criteria that earned post-war conservatism the contempt of Hayek (1960: 397-411). Ironically, such orientations mean that when called upon to do so conservatism is equally capable of allying with many elements of neoliberalism, especially in the USA (Kristol, 1995; Olasky, 2000). In Britain, in the wake of Thatcherism, conservatives appeared caught between those for whom markets must always be social (Gilmour, 1992), those hostile to market capitalism altogether (Scruton, 2001) and those for whom the very meaning of society and community must be radically revised to accord with the market revolution (Barnett, 1986). By the 1990s any schism was less apparent as some neoliberals came to reject the stridency of market capitalism (Gray, 1993) and other more ‘social conservatives’ sought a new, post-Thatcherite balance of state, market and community (Willetts, 1992). To some extent this rapprochement helps to explain the mid-1990s fashion for communitarianism – see below.

Hence there are numerous strands of conservatism that, while centred on an attachment to nation, family, law, authority and locality, are capable of weaving many different types of society. This means that conservative conceptions of citizenship are equally nebulous. By and large contemporary conservatives have talked of citizenship in terms of what we owe to one another, where what we receive ought to be proportionate to what we contribute (Mead, 1997). Human interdependency is therefore centred around the concept of desert yet both are then skewed in an individualistic direction, for if our primary allegiance is to the givenness of certain traditions (national, familial, legal, etc.) and if those traditions are interpreted in terms of the evolution of market society then interdependency may be best assured by

requiring people to be independent, albeit within certain contexts. For instance, according to Gauthier (1986) acting for the communal good necessitates that people behave self-interestedly while respecting the self-interests of others. Private ownership and family membership are important since these are means for the development of personal identity, independence and respect for the properties and families of others. So conservatism appears to base citizenship upon the duty to be deserving and independent across a given range of communal contexts.

While being sensitive to its multifaceted disposition a key problem with conservatism is its suspicion of material equality. This hostility derives from any number of sources, e.g. the belief that some are by nature superior to others or the belief that destitution is a rational choice, but whatever the explanation the duties we owe to one another must be, for conservatives, duties between material unequals. Some maintain that one of the few persuasive equalities is an equality of obligations (Mead, 1986) so that variation in income does not justify any variation in moral and civic responsibility, e.g. poverty is no excuse (Murray, 2001: 16-18). Even in its more pro-welfare state guises the presumption is that substantial material inequalities are justified once certain minimum guarantees have been provided (e.g. Brittain, 1995: 235-41; see Eccleshall, 2000). For Christian Democrats the state is defined in more solidaristic terms but even here the goal is to support hierarchies of class and status it is thought would not be self-sustaining otherwise (van Kersbergen, 1995). For all of the above a citizenship consisting largely, if not necessarily entirely, of obligations is therefore a means of shoring community up and of balancing order, stability and freedom.

But this social philosophy neglects the extent to which inequality is strategic, i.e. involves struggles between the relatively powerful and the relatively powerless

(Callinicos, 2000; Honderich, 2004). In other words the conservative perception of society is one exorcised of structural relations and conflicts so that explanations for social behaviour have to be attributed to human nature or calculative rationalism, or both. Power is interpreted in moral and cultural terms rather than in economic ones. The problem with desert is that it easily masks the inequalities of power through which some come to be defined as deserving and others as undeserving (Roemer, 1998). Conservative citizenship therefore involves a defensive resistance to intrusion rather than the idea that interdependency requires a much broader and political sense of public deliberation – see below. This neglect of social structures goes hand in hand with the hierarchical thinking of conservatism since if the former exist and are potentially subject to reconfiguration through collective action then moral justifications of the latter begin to weaken. And if social structures exist then an equality of obligations is revealed as loading more burdens upon those who are already disadvantaged. The conservative philosophy of citizenship is therefore not a means of correcting inequality but of perpetuating the inequalities at the root of conservatism's vision of society.

The second philosophy of duty that has been influential in recent years is communitarian (Mulhall & Swift, 1996; Dwyer, 2000: Ch.2; Kymlicka, 2002: Ch.6). Reacting to the liberal conception, where citizenship consists of individuals' rights to develop and pursue their version of the good life, communitarians contend that citizenship must be oriented, firstly, to the communal environments out of which the self evolves and, secondly, towards a politics of the common good. At its worst, liberalism views the individual as arriving out of nowhere, *sui generis*, whereas there is enough evidence to suggest that our identities are always embedded in communal environments. Rather than attempting to devise abstract principles of ethics social

beings must discover and nurture the constitutive values and norms out of which they themselves were formed (Sandel, 1982). If each individual is left to pursue their own version of the good then social conflict and discord is likely to result. Instead, citizenship is the means by which social bonds are reaffirmed by drawing people together around commonly held perceptions of what is right, just and moral. The common good is not universal but reflects the particular way 'in which we do things around here' and so different political, geographical and religious communities will have different accounts of a common good. Social policies must therefore promote a defence of communal context and a degree of social unity, implying a far greater role for obligations and conditionality than most post-war welfare states were willing to contemplate.

The communitarian critique bears some similarity to the conservative one (Phillips, 1993). Both are suspicious of universalist frames of reference, both encourage a strong orientation to the social practices which precede and outlive us, and both regard justice as being founded upon duties, where social rights are either relegated in importance or even rejected altogether. As noted above, a certain rapprochement between neoliberal and social conservatives by the 1990s may help to explain the fashion for communitarianism: the latter's rejection of individualism can support a regulatory capitalism whose framework is arguably stronger than that provided by the destructive tendencies of egoistic consumerism, while justifying a firm set of social bonds around family and community that repairs the holes in the social fabric thought to have been caused by hedonistic, leftist individualism. Yet others have associated communitarianism with political radicalism. For Walzer (1983) communal membership is the *sine qua non* of distributive justice and, conversely, 'complex' equality is a means of strengthening communal identification and boundedness. For

Miller (2000: 104-7) the political community must share a sense of common fate that national boundaries are best suited to delineate. Egalitarian justice is both the condition and consequence of national solidarity.

But whether in its conservative or radical guise communitarianism can also be accused of neglecting the realities of social power for at least two reasons (Frazer, 1999). Firstly, most communities are not homogenised entities but are infused with a diversity of values, identities and affiliations (Cohen, 2000). In all but isolationist or fundamentalist contexts a community consists of numerous sub-communities and sub-sub-communities that reach all the way down to and through the individual; the self is a space through which the pluralities of communal discourses proceed. What communitarians have been accused of doing is to select one form of communal identification and elevate it in importance above all others (Minogue, 1997). So while it is not as if communitarians are unaware of the fact and normative value of pluralism (Etzioni, 1996: 158) their presumption is usually in favour of a single, all-encompassing cultural and moral horizon where the value of 'smaller' groupings lies in their contributions to the identities of larger ones. National boundaries are a key point of reference, demanding a monocultural response to the problems and opportunities of multicultural and diasporic communities (Kymlicka, 1995: Ch.3). Familial boundaries are also regarded as important by communitarians, as a shield against the risk of moral decline and social breakdown, in their demands that divorce and single parenthood become harder and less desirable to achieve (Etzioni, 1994: 82-5). But this has been criticised as patriarchal by feminists (Frazer & Lacey, 1994) since the impact of such reforms would impact upon attempts to equalise gender relations in the home and at work. Communitarians therefore stress the roots of social identity by eliding the struggles and conflicts with which they feel uncomfortable.

One implication, and this is our second criticism, is that a politics of the common good is itself insufficient. According to those like Selznick (1992) individuals require strong guidance if they are to adequately distinguish moral from immoral behaviour; leaving individuals alone to decide what is and is not good means that communal solidarity and purpose can unravel. However, this also means that the community owes something to individuals, namely that they are included in society and if this requires redistributive welfare then so be it. What is important to Selznick is exclusion rather than inequality *per se*. Now in one respect this is unremarkable since not all inequalities necessarily translate into exclusions, but what it attends to are still the surface features of distribution, those concerned with moral responsibility (albeit communal as well as personal), and it is on this basis that state welfare is to be judged. What is arguably lacking is deeper attention to the political economy of ownership and control that affects our notion of what moral responsibility is and is not. To rest everything upon morality is to ignore those more systemic, structural aspects of social reproduction that influence and may even determine our sense of moral worth (Fraser & Honneth, 2003: Ch.3). Ignored because consensus is arguably impossible to achieve where property relations are concerned. It is possible to envisage an inclusive society of the common good, where everyone's moral worth is respected, which is nevertheless unjust according to alternative criteria if the common good is not held to involve democratic and egalitarian control of productive resources.

Furthermore, any politics of the common good has either to make equal room for the claims of all sub-communities – in which case the voices of the already powerful are likely to dominate – or it has to compensate for prevailing disadvantages in economic, political and cultural power – in which case it is favouring a principle of justice that cannot simply be read off from expressed conceptions of the good. So the



tendency of communitarians to homogenise social relations and smooth over conflict leads us back towards liberal attempts to deal with diversity by not pre-selecting the boundaries of political association. As a result, communitarianism has more value as a corrective to liberal and egalitarian philosophies than as a new foundation for social thought. So in both cases – productive resources and inequalities between sub-communities – a moral politics of the common good cannot accommodate all claims nor provide a full adjudication where claims conflict (Mouffe, 2000).

The final major influence upon recent debates has sought a Third Way social democracy (Fitzpatrick, 2003). The basic ideas are now very familiar. While the ‘old social democracy’ is alleged to have based its social philosophy upon a passive conception of citizenship, where social rights are unconditional, Third Way social democracy seeks a citizenship of active participation where the possession of rights is dependent upon the performance of duties (Giddens, 1998, 2000). This portrayal of old social democracy as somehow hedonistic and afraid to speak of duties (Marquand, 1996) is barely more than a caricature, e.g. Beveridge’s defence of social insurance is hardly one of all taking and no giving, but it does usefully reveal the Third Way’s own fixations.

It borrows from communitarianism the emphasis upon individuals belonging to one another so that the reciprocity between rights and responsibilities reflects the interdependencies of social communities. In this it leapfrogs backwards over post-war social democracy and ties into older forms of social liberalism that was more comfortable talking about obligations than rights (Beer, 2001). It is inclusion which is crucial rather than equality *per se*, for whereas the latter potentially demands nothing of the poorest social inclusion requires everyone who can to make a contribution, especially through paid employment. Benefits should be provided

conditionally and in response to demonstrable need and the job of government is to compose a dynamic civil society, clamping down on incidents of crime and incivility, in which people feel responsible for themselves and for one another.

The potential strength of Third Way lies in the reach, if not always the depth, of its electoral success and political influence. By attaching itself to a post-Keynesian and post-Thatcherite set of ideas it was able to articulate popular hopes and fears while presenting itself as a doorway to future prosperity (Driver & Martell, 2002). At the politico-philosophical level the vogue for ‘community’, a concept able to point more than most in multiple directions all at once, allowed it to slip between and then characterise as outdated the principles of redistributive egalitarianism and market individualism.

Subsequently, this attachment for communitarianism evolved into an attraction for related ideas and debates, including stakeholding, social capital and trust (Fitzpatrick, 2004: Ch.3). For instance, social capital is a useful concept for the Third Way since it stresses the importance not only of social networks but of the ‘social entrepreneurs’ who are thought to activate them. Critiques that offer a ‘big picture’ view of capitalism are quickly dismissed (Putnam, 2000: 282-3). For critics, though, the errors of social capital are symptomatic of the Third Way itself (Baron *et al*, 2001). Both tend to detach social capital from traditional conceptions of economic capital by reinterpreting the latter at the level of the individual, in terms of employability, possession of transferable skills, etc. Any idea that the maldistribution of economic capital requires a more thoroughgoing series of reforms is missing and a social capital perspective slides easily into a pathological series of social categories, with social capitalists at one extreme and anti-social capitalists (namely, the undeserving) at the other.

So, as with conservatism and communitarianism, some have accused Third Wayers of neglecting hierarchies of power (Fitzpatrick, 2003: Chs.1-3). The duties which 'we' owe usually translate into duties that are owed by the disadvantaged to the taxpayers who fund the welfare services upon which they depend. Its reciprocity is what Standing (1999: 317-9) terms an 'asymmetrical reciprocity' where duties are directed from the bottom to the top of the income/wealth ladder rather than the other way around. Indeed, as rights are interpreted as conditional upon the performance of duties, rather than as foundational, the lexicon of citizenship begins to resemble a relationship of charity, where the disadvantaged are expected to express their gratitude for the largesse of others by signalling and constantly re-signalling their moral worth to the wider community to which they (almost) belong (Dean, 2003).

So while there is some recognition here of social structure these are structures that Third Wayers believe are fading into history due to the advent of a new 'reflexive' modernity of risks to which parties of the radical centre are correctly responding through a lifestyle politics of positive welfare (Giddens, 1994). The problem with this sociological vision is that while it recognises the manufactured nature of social risks it stops short of viewing their political and ideological origins (Culpitt, 1999), i.e. the way in which they *serve* structural hierarchies rather than sweeping them away. On a political level, then, New Labour has often treated poverty alleviation as a problem of poor people, requiring targeted intervention into excluded communities, rather than as a problem of inequality requiring as much if not more intervention into rich ones.

We therefore have three social philosophies that have eroded the former social democratic emphasis upon universal social rights, yet each of these can be accused of overlooking the realities of structural relations, economic conflict and hierarchical power. Now, if these objections trump the three philosophies reviewed here then the

way forward might a revitalised social democracy that redeploys social rights as a means of reducing, and eventually eliminating, hierarchies of power. Before we can even contemplate such an alternative, though, we are obliged to consider at greater length a fourth attempt to construct a politics of welfare obligations, one that is possibly more cogent than any of the above by being more egalitarian and so more aware of the considerable social and economic constraints that exist. This is the task for the rest of the article.

### **The Civic Minimum**

This fourth politics of welfare obligations incorporates a duty-based conception of citizenship into support for a strong form of social equality. Rawls was mainly concerned with the justice of distributive holdings and only belatedly concerned with who deserves to do the holding; post-Rawlsians gave attention to the relevance of choice and ambition (Roemer, 1998; Dworkin, 2000) but less to responsibility *per se*, and then usually in terms of a specific policy proposal, e.g. workfare (Gutmann & Thompson, 1996; Arneson, 1997; cf. Bowles & Gintis, 1998). So it is perhaps Stuart White who has gone furthest in weaving the concepts of equality, desert and responsibility together at systematic length and with wide reference to recent debates in social democracy and social policy (see Lake, 2001). Our analysis will therefore concentrate upon his arguments in *The Civic Minimum*.

White's main achievement is to articulate the idea that equality in the distribution of the social product requires that reciprocal obligations be performed in the cooperative endeavours out of which that product is generated. But if White offers a challenge to those 'real libertarians' for whom rights are fundamental (van Parijs, 1995), he also

throws down the gauntlet for those who neglect the just and equal background conditions which would ensure that duties fall fairly upon everyone and not merely upon the usual suspects. White's position may therefore be described as one of 'real contractualism' or perhaps 'real communitarianism' in that reciprocity must be conceived as *fair reciprocity*, such that social cooperation implies an egalitarian distribution of social obligations *and* resources. It therefore bears some similarity to Third Way social democracy and the tradition of social liberalism (White, 2001) but its attachment to strong social equality and rejection of New Labour's frequent resort to authoritarianism means that it incorporates other significant ideological dimensions also (White & Giaimo, 2001: 214-6). Since White's ideas are less vulnerable to the critiques offered above, because his principles of fair reciprocity and strong equality are designed to address hierarchies of power, does this mean that welfare egalitarians should adopt his approach to social policy analysis and reform?

The following sections will explain White's position while offering three criticisms of it.

### *The Deficit of Democratic Consent*

White (2003: 18) defines the central formulation of fair reciprocity as follows:

...where the institutions governing economic life satisfy other demands of justice...to a sufficient extent, citizens who actually claim the high minimum share of the social product necessarily available to them under these institutions have an obligation to make a decent productive contribution, proportional to ability, to the community in return.

He makes repeated reference to this notion of claiming (White, 2003: 19, 49, 59, 62, 77, 86, 91, 97, 134), though he also makes occasional reference to receiving, enjoying and sharing (White, 2003: 49, 50, 61, 133).

The problem I want to focus upon here is that White never theorises what is meant by claiming. He tends to run together the more active characteristics of social membership with the more passive ones, where the 'active' implies choice and the 'passive' the absence of choice. In the above quote, for instance, if the social product is *necessarily* available to them then to what extent do citizens have a choice whether to claim it or not? If they do have a real choice then this might imply that a form of membership (however limited) is available outside the community in question. But White seems to rule out this possibility on the (not unreasonable) grounds that since any form of membership implies receipt of a social product generated by others then a reciprocal obligation to contribute to that product is thereby generated. Conversely, however, if citizens have no choice but to claim the product then might communal participation represent too great an infringement on individual liberty? White does not appear to think so, perhaps because he is drawn towards communitarian ideas, where liberty is held to be meaningless anyway in the absence of a communal context, and so towards a contractualist and paternalist emphasis upon coercion for the benefit of the coerced.

Yet surely we do not choose to receive the social product in the same way that we might choose to receive a favour or a birthday present or a promotion, in which case the latter examples create reciprocal obligations in a way that cannot be easily generalised to the former. Because a claim, to be genuinely free and uncoerced, implies the possibility of not claiming then can social participation really be founded

upon the model of a contract? Then again, White is surely correct to suggest that social membership has to imply the possibility of using force and coercion, if only in the final instance once other approaches have been exhausted. In short, what we have to grapple with are the inherent ambiguities of social membership, where a claim has to imply both choice (for it to *be* a claim) and non-choice (as there is no such thing as extra-social membership). White's solution to this ambiguity seems to consist in arguing that choice is not an absolute, e.g. those who choose to be free riders are undermining the benefits of social membership. A choice is therefore either legitimate or illegitimate depending upon the extent to which it reflects our intuitions about fairness.

He uses the example of an island society in which the government requests from the fishing community the funds to build a lighthouse (White, 2003: 61). If 900 people do so and 100 refrain from doing so, but all benefit from the lighthouse when built, then the 100 are free riding on the contributions of the others. But is this example a reasonable analogy of social decision-making? After all, the decision of the government is made to appear out of nowhere, being treated as reasonable and legitimate. If the 100 agreed to the lighthouse's construction before welshing on the deal then White's accusation of free riding holds. But if they had reasonable objections to the plan but were unreasonably outvoted then the accusation is less clear cut. Let me try and make sense of this.

A libertarian critic might insist that the 100 are analogous to Nozick's (1974: 93-4) enjoyment of the music playing under a neighbourhood scheme where, because the music is a public (non-excludable) good and the scheme not one to which he has consented, he is under no obligation to remunerate the neighbourhood. Based upon what he says elsewhere White's (2003: 61) counter-argument to the libertarian

involves defining the social product, e.g. the neighbourhood scheme, as a *shared* good for which participation *is* necessary after all. I will suggest below that public goods do not derive entirely from shared cooperation but the point to make here is that the libertarian critic is both right and wrong: right to complain about the lack of consent but wrong to imagine that he can entirely opt-out of the neighbourhood scheme. The implication would be that Nozick does owe a duty to his neighbours (because social cooperation cannot ultimately be avoided) but one whose exact content varies according to whether his opportunities to shape the nature of the cooperative scheme in question are or are not maximised.

What this generates is an alternative to White's concentration upon claiming *per se*, an alternative I will refer to as the 'principle of democratic consent'. Human interdependency is on one level a brute fact of any society. Within non-human communities interdependency operates through instinct rather than self-conscious deliberation. How then are humans best able to 'activate' the fact of interdependency into a rationally-directed and positive social good? We owe a duty to cooperate *with* one another since we have no choice but to live in close proximity *to* one another. However, this 'meta-duty' should not be confused with the specific duties pertaining in actual societies as we also have a fundamental right (equally deriving from the fact that basic social membership is 'brute') to shape the *particular* social duties that we owe.

In short, we have a duty to cooperate but also a right to shape the precise nature of the cooperative schemes in question. Coercion may be legitimately applied at the level of meta-duty since the brute fact of interdependency demands that each member of the species recognise that their well-being depends upon others; however, the need for coercion declines steeply as people become willing and free to enter, influence and



exit the widest feasible range of participatory schemes on offer. These are therefore somewhat akin of the associations imagined by Hirst (1994) and others (Cohen & Rogers, 1995), though I have argued elsewhere that these authors locate themselves too narrowly within a social liberalism that does not pay enough attention to the control of productive resources (Fitzpatrick, 2002). So the central formulation of the principle of democratic consent is that *rights precede particular duties because the meta-duty (the brute fact of interdependency that forces us to cooperate) precedes rights*.

Therefore the bridge between the social product and social responsibility is not claiming *per se* but unobstructed access to, and full voice within, a process of democratic deliberation. It is not enough to say that the 100 were simply outvoted and should pay up, as it all depends upon the quality of the relevant democratic procedures. The implication is that fair reciprocity requires not only economic institutions based upon just outputs, e.g. protection against market vulnerability (White, 2003: 90), but also thoroughgoing democratic inputs, inputs of an arguably higher quality than those which prevail in contemporary societies.

Now, White does discuss democracy in two senses. Firstly, as ‘democratic mutual regard’ where individuals debate and express a willingness to cooperate based upon shared basic interests (White, 2003: 25-30). Secondly, as a practical means by which the left could build coalitions for greater social equality by using the principle of fair reciprocity to tap into prevailing values, beliefs and sentiments (White, 2003: 209-10). These senses are presumably linked in that the shared basic interests to which we should appeal are, at least for the foreseeable future, those which resonate with prevailing attitudes. White (2003: 184 & 219) leaves open the possibility that ethical and social norms will change but the lack of attention he supplies to this possibility

indicates that this is a long-term aim at best. Furthermore, when White (2003: 191-2) does address this possibility it is largely in terms of promoting the reciprocity-friendly virtues that he assumes are central to existing norms and would continue to be central to any just society in the future (White, 2003: 218-9).

So while he anticipates the possibility of far-reaching reform such reform would not be allowed to stray too far away from prevailing sentiments about work and citizenship. For instance, White (2003: 98) states that the exact specification of the work expectation is something that can be left to local deliberative forums to decide, the implication being that democratic deliberation is to occur *within* the framework set by White and does not constitute a social reform which could step too far outside existing norms and parameters, subjecting the meaning of work to radical questioning, challenge and reconfiguration. In short, the nods he makes in the direction of the debate concerning deliberative democracy are visible yet modest (White, 2003: 106-8, 231 n.10). The implication is that the principle of fair reciprocity is left to rest on thin institutional foundations.

Let me sum up. White bases his principle of fair reciprocity upon the observation that citizens willingly claim the benefits of social membership. However, he does not consider the extent to which we are genuinely free to claim or not claim those benefits: the origins of social consent are dealt with in examples whose applicability to the real world are questionable. As an alternative I have proposed the ‘principle of democratic consent’ where, because cooperation cannot be avoided, our rights to shape the content of cooperative schemes precedes the particular duties that those schemes then generate. White also discusses democratic reform but mainly as a device to bolster what he considers to be the dominant norms of both present and future societies.

## *Basic Income*

White has been engaging with the Basic Income (BI) discussion for a number of years (Fitzpatrick, 1999). While he rejects the proposal in its unconditional form he enthuses for one of BI's neighbours: a Basic Capital Scheme (BCS). White (2003: 203-4) therefore ends in support for a two-tier welfare system. The main tier would be, as now, income-related and universal benefits linked to the performance of productive contributions; the second tier would comprise two accounts: a Life Account consisting of a BI that could be drawn without a participation test but which would be 'time-limited' to a specified number of years, and a Participation Account consisting of a BCS for which a test of qualification would be required but which could be used for a number of community-friendly activities. The BCS therefore derives from an asset-based or endowment-based version of egalitarianism.

The key to this two-tier system therefore depends upon a rejection of an unconditional, non-time-limited BI. But do White's criticisms bear scrutiny?

## Hunting for the Free Rider

A favourite objection to BI is that its introduction would sanction unproductive behaviour and so lead to a new class of social drop-outs. A famous example derives from Rawls's (2001: 179) response to the accusation that the difference principle (the idea that social and economic inequalities should be arranged so that they are to the greatest benefit of the least advantaged) would permit the idle to claim as big a share of social resources as the productive. By adding 16 daily hours of leisure time to his

index of primary goods Rawls can therefore classify as a free rider the kind of person who chooses to spend their waking hours surfing off the Malibu beach compared to those who work an 8 hour standard day. The difference principle is therefore a principle of fair reciprocity. Now although White (2003: 57-9, 238 n. 29) acknowledges the problems with Rawls's example, and substitutes it for one of his own (see below), the basic rationale of identifying and removing the free rider is one he shares. But exactly what is it we are trying to remove here?

The initial problem is that we are all free riders at some point or another and in some respect or another. In the surfing example what happens if a wealthy businessman is walking along the beach and stops to admire the surfer's abilities? Should he offer a fee to the surfer, or if he does not does this mean that the businessman is now the free rider? But for how long? Can the accusation of free riding be levelled at the surfer again once the businessman has moved along? And what if a political theorist is passing who decides she can get a journal article out of asking these questions? Is a fee now owed to the surfer and the businessman on pain of the political theorist becoming a free rider? In sum, how can we remove individual free riders when that potentially includes all of us?

Or is it that we should remove a *class* of free riders, i.e. those who free ride on a frequent basis that is socially unacceptable? Here, the problem lies in coming to a convincing consensus of what this class is and who belongs to it. Fraser (1997: 59-62) maintains that (most) men free ride on the unpaid labour of (most) women and, if you were of a mind to, it would be possible to turn the tables and argue that it is women who free ride on men!

However, Rawls and White might contend that their aim is not to abolish *the* free rider but to reduce the opportunities for free riding in general. However, it may be

that a certain amount of mutual free riding is an ineliminable *and even necessary* part of tit-for-tat social cooperation, i.e. a form of back-scratching social exchange where we occasionally turn a blind eye in return for others' doing the same for us. (This leaves us with the problem of deciding when free riding is and is not conducive to mutuality, but I would argue that this is a more progressive dilemma than that of identifying the ideal-typical free rider.) Therefore, it may be perfectly desirable to reduce the opportunities for free riding without having to imagine that free riding must disappear in its entirety. The need to maintain social interdependency does not necessarily require that we police and stamp down on each and every possible example of free riding; interdependency may require identification and valuation of those instances where (a) free riding contributes to interdependency and/or (b) a politics obsessed with free riding is counter-productive.

In short, the fact that BI invites free riding is not, of itself, a sufficient objection to it. As I have argued elsewhere (Fitzpatrick, 1999) it all depends upon the social effects of the overall policy package within which any BI has to be located.

### Refusing to Fish

The example that White (2003: 161-2) substitutes for Rawls's surfer is as follows. After being shipwrecked Alf and Betty are lucky enough to find themselves on a beach with a large pool of fish and some useable angling equipment left by the beach's previous inhabitants. If Betty then catches a large haul of fish does Alf, after lounging around all day, have the right to claim an equal share on the grounds that the pool and the equipment are their joint inheritances? White argues not on the grounds that it was Betty's labour which enabled the fish to be caught and Alf cannot claim an

equal share of *that* since he chose to relax instead of working. The analogy is relevant since BI is sometimes justified as representing a dividend on the natural and social inheritances which are the common property of us all.

Is White correct to reject Alf's claim? He is, as things stand. But what if Alf's claim is not for an *equal* share but for a *minimal* share of the fish on the grounds of common ownership? Does he not have a *prima facie* case now? White can still argue that it was Betty's *labour* which enabled the resource to be converted into food but this all depends upon where we decide to make the distinction between labour and inheritance. If the previous inhabitants left the equivalent of enough fish – caught, prepared and ready to eat – to last two people on minimal rations for a lifetime, i.e. the fish and not just the rod, then Alf's claim again appears reasonable and Betty's labour is a personal choice (that Alf is not obliged to subsidise through a work test) designed to yield more-than-minimal rations for her and her alone. In short, if there are analogies where Alf's claim can be rejected there are others where it cannot.

Take another example. What if Betty is over-fishing such that the pool barely has time to replenish? If labour is all important then she can still claim to deserve the fish she catches, regardless of the consequences, since her reward is proportional to the effort she expended. Unfortunately it also means that if everyone else copied Betty the use of resources would be unsustainable and the stock would be quickly exhausted. Perhaps, then, Alf's claim for a minimal share of the fish that Betty's labour has produced can be made on the grounds that his non-work is necessary in order to ensure that Betty's actions (her labour) are sustainable. In short, non-work may be a sign of laziness and lack of contribution, but it may not. The implication is that *social* obligations do not always correspond to labour and that the meaning of work is and should be contestable.

Now White (2003: 162) certainly acknowledges the possibility of Alf making a claim for compensation where he is being excluded from the inheritable resources, but says that “in general” an inheritance will engender a positive sum game and so nullify Alf’s claim. But it is not clear why this assumption must prevail over an alternative assumption, i.e. where the inheritance has negative sum properties such that Betty’s behaviour demands a non-Betty approach as counterbalance. If White’s ‘in general’ assumption prevails then public goods can be equated to shared goods since realising the positive-sum game depends entirely upon labour inputs; but if the alternative assumption is reasonable, i.e. if inheritance arguments are more robust than White imagines and if those like Betty are monopolising scarce resources, then public goods may be defined as a combination of a common inheritance (demanding a universal distribution of minimal shares) and of cooperative labour. The dual nature of public goods means that Alf can claim a minimal share of the fish though not a share equivalent to that of Betty’s.

So my point is not to reject the concept of social obligations but to observe that ‘duty’ and ‘reciprocity’ do not coincide as closely as White believes. There may be actions that I *should* not reciprocate and it may be that I owe duties to those who *cannot* do so. In the case of future generations, for example, it may be that the duties we owe to our descendants, as a kind of intergenerational interdependency, are actually stronger than those which are prompted by an ethic of reciprocity (Fitzpatrick, 2003: Ch.7)

### Jobs and Land

White also rejects another central argument for BI: the job assets argument.

According to van Parijs (1995: Ch.10) in a non-Walrasian economy, where markets do not clear because of the relatively entrenched positions of labour market insiders and outsiders, those who monopolise jobs owe an ‘employment rent’ to those who suffer from such monopolies. This employment rent engenders a BI since this enables current insiders who do not want to be in employment to swap places with current outsiders who do. White (2003: 155-61) rejects this argument on the grounds that (a) the right to a job asset does not preclude the community requiring people to make a productive contribution, and therefore (b) some preferences (such as that for not working) can only be satisfied by violating the principle of fair reciprocity.

The problem with objection (a) is that it sets to one side the non-Walrasian condition stipulated by van Parijs and insists that even involuntary exclusion can attract work obligations. White’s (2003: 205) position seems to be that if the right to a job asset derives from the right to participate economically in one’s society, and if this right must be accompanied by duties, then not even involuntary exclusion neutralises the force of this duty, such that if the market cannot abolish involuntary exclusions then the state must either subsidise jobs or perhaps act as the employer of last resort. But if, *contra* White, the right to a job asset derives not from participation *per se* but from the right to basic dignity and respect then while there may be forms of participation which fulfil this status, and forms of exclusion which violate it, there may also be forms of participation which do not, e.g. the requirement of digging holes and filling them in again to demonstrate one’s economic worth. So although dignity and respect can be enhanced by participating in activities valued by the community there may come a time when, by demanding a kind of ‘sumptuary duty’, the



community contradicts them by demanding symbolic contributions rather than obviously productive ones.

The problem with objection (b) is that here, again, White is referring to a demand for *equal* shares on the part of the non-worker. He cites with approval the argument of van Donselaar (1997) that an equal division of four units of land between Crazy (who values work) and Lazy (who values leisure) would be unfair since Crazy would receive less land and Lazy more land than their ‘independent interests’ (their valuations of work and leisure) warrant. But, as before, the analogy is skewed towards the conclusion that White wants to reach. If, instead, Lazy and Crazy both receive one unit of land – perhaps as their common inheritances – then Crazy can, if she chooses, acquire the other two units still available through effort and endeavour. As a proposal for *equal* shares BI fails, but as a proposal for *minimal* shares it may not.

### *Fuzzy Boundaries, Fuzzy Penalties*

The third and final criticism of White concerns the sanctions for non-compliance.

White (2003: 112-3) imagines two people, Anne and Bob, who share a house and the household tasks together, but who perform no work outside the house, White maintains that because they do not make a productive contribution to the community the community owes them nothing in return. Again, within the parameters of the scenario this seems reasonable but what if the scenario itself is unreasonable? What if, as in the case of Alf and Betty’s beach, it constructs an artificial environment that we should be wary of applying to real world conditions? No household is a self-contained entity (as feminists have long argued) and therefore it is not difficult to

imagine Anne and Bob performing tasks, e.g. preserving a beautiful garden, that do not fall squarely into the categories either of housework or of socially productive contributions. Therefore, another argument for BI (in addition to those above) is not that it represents a remuneration for housework but that because identifying distinctions between the many levels of employment, unpaid work and even leisure are complex, variable, bureaucratically intrusive and difficult to maintain then income maintenance systems should be less presumptive than they are at present (Goodin, 1992; Offe, 1992).

Now, White (2003: 124-5) acknowledges the complexities (the ‘fuzziness’) of classifying productive contributions, such that ‘disputes’ and ‘reasonable disagreements’ will exist. However, he believes that ‘provisional resolutions’ of these disputes can and should be attempted through an open and inclusive political process and in terms of prevailing expectations and assumptions. But what is missing in this ‘proceduralist’ approach to democracy is a thoroughgoing conception of power, i.e. the possibility not only that democratic institutions silence voices to which they claim to be listening, but also that political processes do not allow voices to be articulated in the first place, *even to themselves*. Therefore, the orientation to prevailing expectations that White proposes can be criticised as a reflection of the same productivist ideas through which large sections of the liberal left have long permitted the hegemonisation of industrial and consumerist capitalism to proceed. So while, according to White (2003: 140-3) people ought to be protected from market vulnerability he still admits that because of the work-test market vulnerabilities cannot be eliminated entirely.

So the work-test means that just as boundaries (between private and public, between employment, work and leisure) become fuzzy so does the policing of those

boundaries. For instance, White (2003: 143) suggests that in order to protect the children of non-compliers from the financial penalties imposed on their parents in-kind benefits for the children could be provided to remove them from the household economy. But can penalties really be ring-fenced in this way? Presumably, if the goods which children need are to be provided through means other than income, then some kind of voucher system is required, e.g. food stamps, but while some voucher schemes are less stigmatising than others I cannot think of one which eliminates stigma and so would eliminate some kind of damage to the child.

The other possible penalty for non-compliance is a labour penalty. White's (2003: 145) justification of labour penalties (and of the 'forced labour' they imply) concerns parenting and the point that this implies a set of role-related responsibilities, i.e. the duty to work to provide basic material needs. But it is difficult to see how this takes us beyond current practices and assumptions. In the case of child abuse and child abandonment the legal sanctions and penalties to cope with this already exist – though in however imperfect a form. So what else is White suggesting?

Is the work-test that parents might fail an employment-test, so that we are entitled to prod them out into the labour market? If so, then what happened to the broader definition of work that White was proposing? Or is the work-test really a *care*-test? But where parents have neither abused nor abandoned their child what does this mean exactly? Does it mean that every parent in the country should be assessed (by schools perhaps?) against some parenting scale with those who fall below a certain threshold required to attend remedial classes? Should Tony Blair be lectured on the dangers of allowing your son to collapse in a drunken heap in Leicester Square? Or does it mean we should scrutinise the poorest households specifically, perhaps on the assumption

that it is here that the capacity and/or willingness to provide for material needs are most likely to be absent?

Care is something for which social policies can make room and so influence from a hands-off distance, but if policy-makers attempt to intervene too directly in the emotional bonds of families then their efforts are likely to be counter-productive (Barlow & Duncan, 2000). As before, the argument here is that the maintenance of interdependencies requires a lighter touch than is fashionable either in current policy and policy discourse or in White's attempted revision.

## **Conclusion**

Let me summarise. Firstly, there is a deficit of democratic consent in White's approach: people have little choice but to 'claim' the benefits of social cooperation they receive. Secondly, I have suggested that the case for BI is stronger than White allows. Finally, I have proposed that the fuzziness of boundaries cannot be smoothed over as White would like and that a less presumptive approach to income maintenance should constitute the foundation of social policy reform.

As I admitted in the introduction I am not able here to specify an alternative to White's approach, though have provided one at length elsewhere (Fitzpatrick, 2003). There is one bit of tidying up needed, though. In the preceding section I acknowledged the need for meta-duty coercion combined with a defence of an unconditional BI. One way of reconciling these is to keep the BI at a level which is high enough for a basic standard of living but no more, maximizing within humane limits the incentives for engaging in participative schemes. In short, 'loose coercion' implies stressing the incentives for joining rather than the disincentives of not doing so. Although social

interdependency must leave some room for the use of force and coercion – I am not recommending abolition of the penal system, for instance! – there is a question mark over whether policy makers ought to be as obsessed as they currently are with it. I refuse to believe that this is as fair and egalitarian as a country like the UK can manage. It was the aim of this article to establish these two points.

## References

- Arneson, R. (1997) 'Egalitarianism and the Undeserving Poor', *Journal of Political Philosophy*, 5(4): 327-50.
- Barlow, A. & Duncan, S. (2000) 'Supporting Families? New Labour's Communitarianism and the "Rationality Mistake": Part 1', *Journal of Social Welfare and Family Law*, 22(1): 23-42.
- Barnett, C. (1986) *The Audit of War*, London: Macmillan.
- Baron, S., Field, J. & Schuller, T. (eds) (2001) *Social Capital: Critical Perspectives*, Oxford: Oxford University Press.
- Beer, S. (2001) 'New Labour, Old Liberalism', in White, S. (ed.) *New Labour*, London: Palgrave.
- Bowles, S. & Gintis, H. (1998) *Recasting Egalitarianism*, ed by E. O. Wright, London: Verso.
- Brittain, S. (1995) *Capitalism with a Human Face*, Aldershot: Edward Elgar.
- Callinicos, A. (2000) *Equality*, Cambridge: Polity.
- Cohen & Rogers (1995) *Associations and Democracy*, London: Verso.
- Cohen, A. (2000) 'Does Community Require Individual Independence?', *Journal of Ethics*, 4(3): 283-304.
- Culpitt, I. (1999) *Social Policy and Risk*, London: Sage.
- Deacon, A. (2002) *Perspectives on Welfare*, Buckinghamshire: Open University Press.
- Dean, H. (2003) 'The Third Way and Social Welfare: The Myth of Post-emotionalism', *Social Policy and Administration*, 37(7): 695-708.
- Driver, S. & Martell, L. (2002) *Blair's Britain*, Cambridge: Polity.

- Dworkin, R. (2000) *Sovereign Virtue*, Cambridge: Harvard University Press.
- Dwyer, P. (2000) *Welfare Rights and Responsibilities*, Bristol: Policy Press.
- Eccleshall, R. (2000) 'The Doing of Conservatism', *Journal of Political Ideologies*, 5(3): 275-87.
- Etzioni, A. (1994) *The Politics of Community*, London: Fontana.
- Etzioni, A. (1996) *The New Golden Rule*, New York: Basic Books.
- Fitzpatrick, T. (1999) *Freedom and Security*, London: Macmillan.
- Fitzpatrick (2002) 'In Search of a Welfare Democracy', *Social Policy and Society*, 1(1): 11-20.
- Fitzpatrick, T. (2003) *After the New Social Democracy*, Manchester: Manchester University Press.
- Fitzpatrick, T. (2004) *New Theories of Welfare*, London: Palgrave.
- Fraser, N & Honneth, A. (2003) *Redistribution or Recognition*, London: Verso.
- Fraser, N. (1997) *Justice Interruptus*, London: Routledge.
- Frazer, E. & Lacey, N. (1994) *The Politics of Community*, Hemel Hempstead: Harvester Wheatsheaf.
- Frazer, E. (1999) *The Problems of Communitarian Politics*, Oxford: Oxford University Press.
- Gauthier, D. (1986) *Morals by Agreement*, Oxford: Oxford University Press.
- Giddens, T. (1994) *Beyond Left and Right*, Cambridge: Polity.
- Giddens, T. (1998) *The Third Way*, Cambridge: Polity.
- Giddens, T. (2000) *The Third Way and Its Critics*, Cambridge: Polity.
- Gilmour, I. (1992) *Dancing with Dogma*, London: Simon & Schuster.
- Goodin, R. (1992) 'Towards a Minimally Presumptuous Social Welfare Policy', in van Parijs (ed.) *Arguing for Basic Income*, London: Verso.

- Goodin, R. (2003) *Reflective Democracy*, Oxford: Oxford University Press.
- Gray, J. (1993) *Beyond the New Right*, London: Routledge.
- Gutmann, A. & Thompson, D. (1996) *Democracy and Disagreement*, Cambridge: Harvard University Press.
- Hayek, F. (1960) *The Constitution of Liberty*, London: Routledge & Kegan Paul.
- Hirst, P. (1994) *Associative Democracy*, Cambridge: Polity.
- Honderich, T. (2004) *Conservatism*, 2<sup>nd</sup> edition, London: Pluto Press.
- Kristol, I. (1995) *Neoconservatism*, New York: Free Press.
- Kymlicka, W. (1995) *The Rights of Minority Cultures*, Oxford: Clarendon.
- Kymlicka, W. (2002) *Contemporary Political Philosophy*, 2<sup>nd</sup> edition, Oxford: Oxford University Press.
- Lake, C. (2001) *Equality and Responsibility*, Oxford: Oxford University Press.
- Marquand, D. (1996) 'Moralists and Hedonists', in Marquand, D. & Seldon, A. (eds) *The Ideas that Shaped Post-War Britain*, London: Fontana.
- Mead, L. (1986) *Beyond Entitlement*, New York: Free Press.
- Mead, L. (ed.) (1997) *The New Paternalism*, Washington: Brookings Institution Press.
- Miller, D. (2000) *Citizenship and National Identity*, Cambridge: Polity.
- Minogue, D. (1997) 'Etzioni's Communitarianism: Old (Communion) Wine in New Bottles', *Politics*, 17(3): 161-8.
- Mouffe, C. (2000) *The Democratic Paradox*, London, Verso.
- Mulhall, S. & Swift, A. (1996) *Liberals and Communitarians*, Oxford: Blackwell.
- Murray, C. (2001) *Underclass Plus 10*, London: Civitas.
- Nozick, R. (1974) *Anarchy, State and Utopia*, New York: Basic Books.
- Offe, C. (1992) 'A Non-Productivist Design for Social Policies', in van Parijs, P. (ed.) *Arguing for Social Policy*, London: Verso.



- Olasky, M. (2000) *Compassionate Conservatism*, New York: Free Press.
- Phillips, D. (1993) *Looking Backward*, Princeton: Princeton University Press.
- Putnam, R. (2000) *Bowling Alone*, New York: Simon & Schuster.
- Rawls, J. (2001) *Justice as Fairness*, Cambridge: Harvard University Press.
- Roemer, J. (1998) *Equality of Opportunity*, Cambridge: Harvard University Press.
- Sandel, M. (1982) *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press.
- Scruton, R. (2001) *The Meaning of Conservatism*, 2<sup>nd</sup> edition, London: Palgrave.
- Selznick, P. (1992) *The Moral Commonwealth*, Los Angeles: University of California Press.
- Standing, G. (1999) *Global Labour Flexibility*, London: Macmillan.
- van Donselaar, G. (1997) *The Benefit of Another's Pains*, Amsterdam: Amsterdam University Press.
- van Kersbergen, K. (1995) *Social Capitalism*, London: Routledge.
- van Parijs, P. (1995) *Real Freedom for All*, Oxford: Oxford University Press.
- Walzer, M. (1983) *Spheres of Justice*, Oxford: Blackwell.
- White, S. & Giaimo, S. (2001) 'Conclusion: New Labour and the Uncertain Future of Progressive Politics', in White, S. (ed.) *New Labour*, London: Palgrave.
- White, S. (2001) 'The Ambiguities of the Third Way', in White, S. (ed.) *New Labour*, London: Palgrave.
- White, S. (2003) *The Civic Minimum*, Oxford: Oxford University Press.
- Willetts, D. (1992) *Modern Conservatism*, London: Penguin.